

Serial Number: 09/896,567Docket Number: 10010930-1**REMARKS**

Upon entry of this Response, claims 1-4, 7-13, 16-22, and 25-27 remain pending in the present application. Claims 1, 7, 8, 10, 16, 19, and 26 have been amended, and claims 5, 6, 14, 15, 23, and 24 have been canceled herein. Applicant respectfully requests reconsideration of the pending claims in view of the following remarks.

In item 4 of the Office Action, claims 1-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,055,522 issued to Krishna et al. (hereafter "Krishna"). A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). For the reasons that follow, Applicant asserts that Krishna fails to show or suggest each of the elements of claims 1, 10, and 19 as amended herein. Accordingly, Applicant requests that the rejection of claims 1-14, 7-13, 16-22, and 25-27 be withdrawn for the reasons that follow.

To begin, claim 1 has been amended to recite as follows:

1. A method for formatting a publication, comprising:
associating, within a server, each of a plurality of content items with a select number of sub-templates selected from a plurality of sub-templates;
generating an instance file in the server; wherein the instance file specifies a template and a number of content items, and the instance file associating a respective one of the sub-templates with each of the content items; and
generating an output file using the template, the sub-templates, and the content items specified in the instance file, wherein the template includes an undefined region, and wherein the sub-templates are employed in placing ones of the content items in the undefined region.

As set forth above, claim 1 provides for the generation of an instance file in a server, where the instance file specifies a template and a number of content items, and the instance file associates a respective one of a number of sub-templates with each of the content items. Also, an output file is generated using the template, the sub-templates, and the content items specified in the instance file. In addition, the template includes an undefined region where the sub-templates may be employed in placing various ones of the content items in the undefined region.

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In this respect, claim 1 has incorporated in part the subject matter of claim 6 canceled herein. Specifically, the template includes the undefined region and sub-templates are employed in placing various ones of the content items in the undefined region.

With respect to claim 6 as originally filed, the Office Action states:

"Krishna teaches that the template includes a plurality of regions and the objects and actions specified therein, and renders the information in the template files for display within each region of the electronic publication." (Office Action, page 4)

Applicant respectfully disagrees. Specifically, Krishna discusses an automatic page converter for a dynamic content distribution publishing system. In this respect, Krishna states in part:

"The dynamic content publishing tool described in the patent application is available as a software program called FutureTense Designer (FutureTense is a trademark from FutureTense, Inc. of Acton, Mass). FutureTense Designer permits the publisher to first create a template file. The template file specifies how a web page is to be displayed even if the content is not completely known at the time that the web page is designed. In particular, the template file consists of a set of objects defined not only by the object content but also by the actions taken on or by such objects. The object content can be defined by storing the formatted content itself, as well as by reference to a location where the content file can be found. In this manner, a web page author may design the page by establishing a viewing region on the page, providing instructions for obtaining and formatting objects to be displayed in each region, and prescribing a set of actions by which the objects interact with one another." (Krishna, column 1, line 59 to column 2, line 8).

In this respect, Krishna provides for a system in which a viewing region or a page is populated with content. While Krishna describes the use of a "template file", it does not describe the use of a template in which a portion of the document comprises an undefined region. In this respect, the regions are specifically defined in terms of size and what content may be placed therein much like copyholes in various publications.

Consequently, there are no sub-templates that are employed to place various content items within an undefined region of the template. The sub-templates are employed to provide the necessary placement information by which various content items may be positioned in a given document where the specific copyholes of such regions are not defined. In this respect, the undefined region of a document is

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dynamic in that it can receive not only more than one content item in a particular region such as a copyhole, but multiple different content items may be placed within the undefined region and the sub-templates employed ensure that the undefined region is populated in an ordered manner that is pleasing to the reader and in accordance with a publishing style.

This reflects the fact that the publication as contemplated by the present application includes limited space within which to include content items. By contrast, the web page designer system of Krishna has unlimited amount of space for a given web page and is not concerned about constraints associated with fitting content items within a given undefined region of a particular publication of limited size. Thus, Krishna fails to show or suggest the concept of the use of sub-templates in this manner. Rather, Krishna merely describes the placement of content items within an overall template that is then employed to generate a web page.

Accordingly, Applicant requests that the rejection of claim 1 be withdrawn. Also, Applicant also requests that the rejection of claims 10 and 19 be withdrawn for the various reasons described above. In addition, claims 7, 8, 16, and 26 have been amended so as to depend from claims 1, 10, or 19. Accordingly, Applicant requests that the rejection of claims 2-4, 7-9, 11-13, 16-18, 20-22, and 25-27 be withdrawn as ultimately depending from either claim 1, 10, or 19.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

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